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| APPLICATION NO.                                                             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/666,299                                                                  | 09/18/2003  | Akira Masumura       | 645-145B            | 9057             |
| 47888                                                                       | 7590        | 09/28/2005           | EXAMINER            |                  |
| HEDMAN & COSTIGAN P.C.<br>1185 AVENUE OF THE AMERICAS<br>NEW YORK, NY 10036 |             |                      | SAMPLE, DAVID R     |                  |
|                                                                             |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                             |             |                      | 1755                |                  |

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                     |  |
|------------------------------|--------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>   | <b>Applicant(s)</b> |  |
|                              | 10/666,299               | MASUMURA ET AL.     |  |
|                              | Examiner<br>David Sample | Art Unit<br>1755    |  |

*– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 27 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 9,11,13-15,17-20,22-25,27-30,32-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9,11,13-15,17-20,22-25,27-30,32-35 and 37-39 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/872,842.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

Claim 11 is objected to because of the following informalities:

Line 2 of claim 11 is missing letters in the middle of words. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

Claims 9, 11, 13-15, 17-20, 22-25, 27-30, 32-35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolberg et al. (DE 198 28 992 C).

Examples 1, 4, and 5 of Kolberg et al. anticipate the glass composition recited in instant claims 14, 15, 17, 19, 20, 22, 24, 27, 29, 30, 32, 34, 35, 37 and 39.

Moreover, the reference discloses ranges of each component that are sufficiently specific to anticipate ranges of components recited in instant claims 9, 13, 23, 28, 33, and 38.

The reference fails to disclose the  $\Delta n$  recitations of instant claims 11, 14, 19, 24, 29, and 34. However, a glass's properties are determined its composition, and the composition of the instant claims is identical to the instantly claimed composition. Accordingly, the glasses of the reference are assumed to inherently possess the recited  $\Delta n$  properties. See MPEP 2112.

***Response to Arguments***

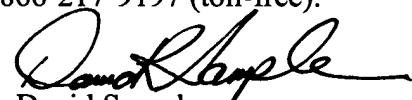
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (571)272-1376. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (572)272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Sample  
Primary Examiner  
Art Unit 1755